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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,994

12/03/2003

Rakha Hari Das

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EXAMINER

SWARTZ, RODNEY P

ART UNIT

PAPER NUMBER

1645

MAIL DATE

DELIVERY MODE

08/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. Applicants' Response to Notice of Noncompliant Amendment, received 9 May 2008, is acknowledged.
2. Applicants' Response to Office Action, received 12 February 2008, is acknowledged. Claims 1, 2, 4, 5, 7, 9, 11, 12, 13, 16, 17, and 19 have been amended. Claims 8 and 10 have been canceled.
3. Claims 1-7, 9, and 11-19 are pending and under consideration.

Rejections/Objections Withdrawn/Moot

4. The rejection of claims 8 and 10 under 35 U.S.C. 112, second paragraph, as being indefinite, is moot in light of the cancellation of the claims.
5. The objection to Figure 2 for not containing a sequence identifier number is withdrawn in light of the amendment of the specification.
6. The objection to Figure 3 is withdrawn in light of the substitute figure.
The objection to claim 1 is withdrawn in light of the amendment of the claim
7. The objection to claim 4 is withdrawn in light of the amendment of the claim.
8. The objection to claim 7 is withdrawn in light of the amendment of the claim.
9. The objection to claim 16 is withdrawn in light of the amendment of the claim.
10. The rejection of claims 4 and 5 under 35 U.S.C. 112, second paragraph, as being indefinite, is withdrawn in light of applicants' statement that the range is referring to the total mix.

Rejections Maintained

11. The rejection of claims 1-7, 9, 11-16 and 18 under 35 U.S.C. 112, second paragraph, as being indefinite for "clarifying the clinical specimens from containment", is maintained.

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Applicants argue that the specification clarifies the meaning of this phrase.

The examiner has considered applicants' argument, but does not find it persuasive. The cited pages 10, 12, 13, and 18 of the specification do not define what this phrase means.

12. The rejection of claim 17 under 35 U.S.C. 112, second paragraph, as being indefinite, is maintained.

Applicants argue that the Markush language should be interpreted conventionally.

The examiner has considered applicants' argument, but does not find it persuasive because it remains unclear whether one, two or more primers are included.

13. The rejection of claim 19 under 35 U.S.C. 112, second paragraph, as being indefinite, is maintained.

Applicants argue that the Markush language should be interpreted broadly.

The examiner has considered applicants' argument, but does not find it persuasive because it remains unclear whether one, two or more primers are included.

Conclusion

14. All claims are finally rejected.

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00 AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisors, Shannon Foley (571)272-0898, and Robert B. Mondesi (571)272-0956.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Art Unit: 1645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rodney P. Swartz, Ph.D./

Primary Examiner, Art Unit 1645

August 3, 2008

Application Number 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/725,994	DAS ET AL.	
	Examiner	Art Unit	
	Rodney P. Swartz, Ph.D.	1645	